

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Diego Garcia, } No. CV-04-1747-PHX-ROS (CRP)  
Plaintiff, }  
vs. } **ORDER**  
Jeffrey Kipp, et al. }  
Defendants. }

On August 20, 2004, Plaintiff filed a civil rights complaint against Defendants. (Doc. 1) On April 21, 2006, Magistrate Judge Charles R. Pyle issued a Report and Recommendation ("R&R") recommending that the complaint be dismissed without prejudice. (Doc. 10) No objections were filed by either party.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). It is "clear that the district judge must review the magistrate judge's findings and recommendations *de novo if objection is made, but not otherwise.*" United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9<sup>th</sup> Cir. 2003) (*en banc*) (emphasis in original); Schmidt v. Johnstone, 263 F. Supp. 2d 1219, 1126 (D. Ariz. 2003) ("Following Reyna-Tapia, this Court concludes that *de novo* review of factual and legal issues is required if objections are made, 'but not otherwise.'"). District courts are not required to conduct "any review at all . . . of any issue that is not the subject

1 of an objection." Thomas v. Arn, 474 U.S. 140, 149 (1985). No objection having been  
2 made, the Court will adopt the R&R in full.

3 Accordingly,

4 **IT IS ORDERED** that the Report and Recommendation (Doc. 10) is **ADOPTED** and  
5 this case is **DISMISSED WITHOUT PREJUDICE**.

6

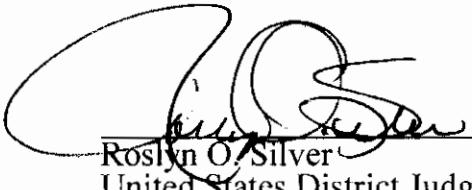
7 DATED

*June 2, 2006*

8

9

10

  
Roslyn O. Silver  
United States District Judge

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28